

Attorney Docket No. 03137.000003.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MATTI KIIK ET AL.) : Examiner:
Appln. No.: 10/620,077) Norca Liz Torres Velazquez
Filed: July 15, 2003) :
For: FASTENER-FREE COMPOSITE) Group Art Unit: 1771
ROOFING PRODUCT) :
Published: March 25, 2004) : January 14, 2005

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, ElkCorp Inc., a corporation duly organized and existing under the laws of the State of Delaware, formerly having an office for the transaction of business at 14643 Dallas Parkway, Suite 1000, Dallas, Texas 75240-8871 and now having an office for the transaction of business at 14911 Quorum Drive, Suite 600, Dallas, Texas 75154, and duly represented by the undersigned attorney of record, represents that it is the assignee of the full title and interest in and to the above-identified Application No. 10/620,077, filed July 15, 2003 by assignment recorded at Reel 014635/Frame 0728 on October 28, 2003.

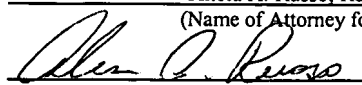
01/21/2005 RMEBRAHT 00000025 061205 10620077
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
January 14, 2005

(Date of Deposit)

Alicia A. Russo, Reg. No. 46,192

(Name of Attorney for Applicant)


Signature

January 14, 2005
Date of Signature

Your petitioner further represents that it is the assignee of the full title and interest in and to U.S. Patent No. 6,708,456 B1 by assignment recorded at Reel 013402/Frame 0502 on October 21, 2002.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,708,456 B1, as presently shortened by any terminal disclaimer or extended by any term extension, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,708,456 B1, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,708,456 B1, as presently shortened by any terminal disclaimer, in the event that subsequent hereto U.S. Patent No. 6,708,456 B1 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Applicants submit herewith a check in the amount of \$110, as required by 37 C.F.R. 1.20(d).

Petitioner's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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